

Order

Michigan Supreme Court
Lansing, Michigan

October 4, 2006

Clifford W. Taylor,
Chief Justice

131191

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 131191
COA: 266882
Oakland CC: 2003-191040-FH

ROBERT NEAL BISGEIER,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the January 18, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals. The Court of Appeals shall then remand the case to the Oakland Circuit Court to conduct an evidentiary hearing pursuant to *People v Ginther*, 390 Mich 436 (1973), on the defendant's claim that the failure to timely seek appellate review was caused by ineffective assistance of counsel. If the trial court finds in favor of the defendant's claim, the Court of Appeals shall treat the defendant's application as having been timely filed. It shall then either grant or deny the application.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 4, 2006

Corbin R. Davis

Clerk